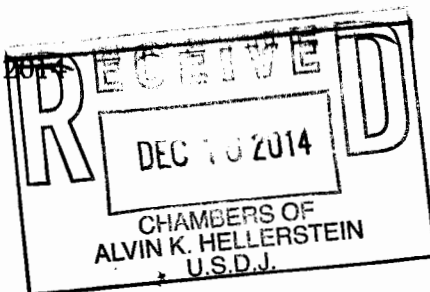
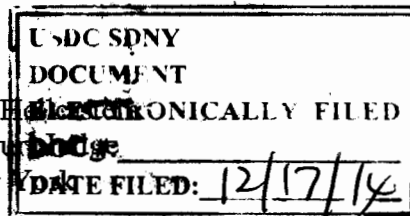


**BAKER BOTTS LLP**30 ROCKEFELLER PLAZA  
NEW YORK, NEW YORK  
10112-4498TEL +1 212.408.2500  
FAX +1 212.408.2501  
BakerBotts.comABU DHABI  
AUSTIN  
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RIO DE JANEIRO  
RIYADH  
WASHINGTON

December 16, 2014

Andrew M. Lankler  
TEL: 2124082516  
FAX: 2122592516  
andrew.lankler@bakerbotts.com**VIA FACSIMILE**The Honorable Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007Re: *United States v. David G. Friehling*, 09 cr. 700 (AKH)

Dear Judge Hellerstein:

We represent David Friehling in the above-referenced proceeding and this letter is respectfully submitted on behalf of Mr. Friehling requesting a modification to Mr. Friehling's bail conditions.

Since 2009, Mr. Friehling has been released on a \$2.5 million personal recognizance bond ("PRB"). The bond is presently secured by five properties. Those properties include as follows:<sup>1</sup>

1. the home of Harold Friehling in Delray Beach, Florida;
2. the home of Craig and Alaine Stadelman in Copiague, New York;
3. the home of Robert Zeitlin in Great Neck, New York;
4. the home of Barry and Bonnie Lewis in Woodburn, New York; and
5. the home of Henry Heitner in Tallman, New York.

Mr. Friehling requests that his PRB no longer be secured by the home of Henry Heitner. Mr. Heitner is 76-years old and lives on a limited, fixed income. Mr. Heitner wishes to sell his home as he is no longer able to afford his property taxes. Mr. Heitner also wishes to access the equity in his home as his property represents the bulk of his retirement savings. Your Honor should be aware that Mr. Heitner's home is currently valued at approximately \$400,000.

<sup>1</sup> Given the confidential nature of the above information, we have not filed this letter electronically with the Court.

**BAKER BOTTS LLP**

The Honorable Alvin K. Hellerstein

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In addition to Mr. Heitner's financial situation, Mr. Heitner is also facing health issues precipitating his desire to sell his home. Mr. Heitner recently endured prostate surgery and is facing open heart surgery in the coming weeks.

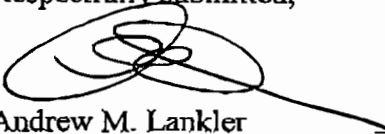
We have spoken with Assistant United States Attorney Matthew Schwartz regarding this request. AUSA Schwartz inquired whether another property could be used as security to replace Mr. Heitner's home. We have informed the Government that this would not be possible, as Mr. Friebling has no other family member or friend to whom he could make such a request.

The Government has advised us that while it does consent to Mr. Friebling's request to modify his bail conditions, it does not intend to submit any opposition to the Court.

We note that since the inception of this case in 2009, Mr. Friebling has abided by all of the conditions of his release and has fully cooperated with the Government throughout this period. Mr. Friebling respectfully submits that his PRB, secured by the remaining four properties listed above, as well as the continued surrender of his passport with pre-trial services, more than adequately insures that he does not present a flight risk to the Court.

Thank you for Your Honor's courteous attention to this matter.

Respectfully submitted,



Andrew M. Lankler

cc: AUSA Matthew Schwartz